

**LETTER OF INTENT**  
**Between**  
**CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)**  
**And**  
**CALIFORNIA COASTAL COMMISSION (COMMISSION)**  
**7/25/00**

**PURPOSE AND BACKGROUND**

The purpose of this Letter of Intent is to establish responsibilities and procedures of the signatory agencies (Parties) relative to the priority review of transportation projects involving the California Department of Transportation (CALTRANS), and the California Coastal Commission (COMMISSION) as covered under interagency agreement 43A0047. The goal of this Letter of Intent is to achieve timely design and implementation of adequate, safe, and economical transportation improvements while assuring such design and implementation is sensitive to the protection of coastal resources for which the California Coastal Commission is responsible under various statutes and regulations.

Federal-aid transportation funding increases to CALTRANS, within The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), will substantially increase the number of transportation projects the Commission must review in accordance with the National Environmental Policy Act of 1970 (as amended), the Clean Air Act (as amended), California Environmental Quality Act; Federal Coastal Zone Management Act of 1972; California Coastal Act of 1976; and other pertinent legislation related to the conservation and development of California coastal resources.

CALTRANS would like the COMMISSION to increase its level of early involvement during the project planning and development process, so that final COMMISSION reviews will not constitute an unnecessary delay in CALTRANS project implementation. The COMMISSION has indicated that it is unable at present to provide CALTRANS with priority reviews of CALTRANS projects and increase COMMISSION involvement in the Caltrans transportation project planning and development process. Both CALTRANS and the COMMISSION believe it would be mutually beneficial to increase COMMISSION staff and support to enable the COMMISSION to provide CALTRANS with priority project reviews. Increased timely participation by the COMMISSION should help ensure that transportation projects can be designed and implemented promptly to meet the ever-changing transportation needs of California in a manner that is sensitive in regards to environmental resources and public interests.

**DESIRED OUTCOME**

Caltrans projects in the Coastal Zone will be developed with timely involvement by COMMISSION staff so that these proposed actions include any necessary conditions to comply with California Coastal Act and the Federal Coastal Zone Management Act and any necessary permits are issued without delay.

**GENERAL PROVISIONS**

This Letter of Intent is intended to:

1. Enable CALTRANS to reduce project delivery time and save staff time and resources by providing for improved and more predictable resource agency coordination,
2. Enable CALTRANS and the COMMISSION to more fully address protected environmental resource concerns early in the development of transportation alternatives,
3. Avoid conflicts at the later project agreement stages by coordinating more closely during the early transportation project planning and development stages,

4. Provide sufficient information to the COMMISSION for the timely analysis of project effects and development of appropriate mitigation measures,
5. Maximize effective use of limited COMMISSION personnel resources by focusing attention on projects that would most affect protected environmental resources.
6. Provide a mechanism to expedite project coordination when necessary, within the funding levels provided, and
7. Provide procedures for resolving any disputes in this resource partnering effort.

## **AGENCY SPECIFIC PROVISIONS**

### California Coastal Commission:

The COMMISSION shall supplement its existing staff, which currently reviews CALTRANS projects on a routine basis, with qualified journey level project review specialists, within projected funding levels from CALTRANS. The COMMISSION shall use the funds provided to defray the costs of salaries and associated benefits and to reimburse reasonable travel expenses to accomplish the following:

- Participate actively in CALTRANS scoping, planning, and project development meetings and field reviews when requested to identify critical issues, key decision points, and potential conflicts as early as possible. This includes sharing, where appropriate, the most current resource information to ensure that good transportation decisions result.
- Participate with other federal, state, and local agencies in the concurrent and proactive review of transportation projects and any required Coastal Development permits, licenses, approvals, or opinions.
- Participate in State/regional level transportation planning meetings, related activities and review of environmental elements of pre-programming documents as requested.
- Participate actively in the NEPA/404 Integration Process for transportation projects as requested.
- Use a coordinated process to provide timely review of all elements of draft and final environmental impact statements and other environmental documents and provide timely agency responses.
- Provide timely processing of project related approval and permitting activities to efficiently accomplish statutory review requirements.
- Participate actively in the development of programmatic approaches to address environmental issues and prepare for emergency situations.
- Provide timely information on COMMISSION decisions or pending actions that will affect CALTRANS.
- Participate in appropriate training of CALTRANS staff including attending appropriate CALTRANS/FHWA sponsored transportation and environmental planning and project development training.
- Follow agreed to dispute resolution procedures as the mechanism to address unresolved issues.
- Perform other related priority tasks as requested by CALTRANS and agreed to by the COMMISSION.
- Provide CALTRANS with regular status reports, which shall detail project review and other activities pursuant to this agreement.

- Participate with CALTRANS in quarterly meetings to discuss efforts and accomplishments on agreed to priority projects and other activities as well as any corrective measures that may need to be taken. The COMMISSION will work with CALTRANS to improve/correct identified deficiencies.
- Participate with CALTRANS in a final meeting at the completion of this agreement to review a summary of the environmental coordination and other activities included under this contract. The COMMISSION shall also provide recommendations for future coordination between CALTRANS and the COMMISSION at this time.
- The COMMISSION staff assigned to Caltrans projects will keep adequate records identifying work tasks and number of hours spent on Caltrans projects. Details and billing information will be found in the Standard Agreement accompanying this Letter of Intent.

**California Department of Transportation:**

CALTRANS will provide adequate funding, by multi-year Interagency Agreement to fund additional COMMISSION staff for the purpose of expediting review of selected priority projects and other identified activities. Related activities will include:

- Identify individual projects and other specific activities requiring priority involvement by the COMMISSION under this Letter of Intent. (Attachment A)
- Provide adequate information regarding requested projects and other specific activities and establish realistic timelines with the COMMISSION for COMMISSION involvement.
- Prepare and utilize, in cooperation with the COMMISSION, specific standard performance measures and conduct periodic evaluation reviews of these measures. CALTRANS will work with the COMMISSION to improve/correct identified deficiencies (Attachment B).
- Maintain a single focal point contact in each CALTRANS District included in the area of COMMISSION jurisdiction covered under this agreement. These individuals and the existing staff serving as liaison between Caltrans and the COMMISSION will be the primary contacts with the COMMISSION under this partnering effort.
- Hold an initial kick-off meeting with the COMMISSION involving those CALTRANS districts covered by COMMISSION jurisdictions and this agreement.
- Review selected priority projects and schedules from each CALTRANS District with the COMMISSION and formally request participation as appropriate.
- Work closely with the COMMISSION to balance staff workloads when changes are needed to priority project lists or schedules

**REGULATORY COMPLIANCE**

In no way shall it be construed or implied that either CALTRANS, FHWA, or the COMMISSION is by this Agreement intending to abrogate its obligation and duty to comply with the regulations promulgated under the National Environmental Policy Act of 1970 (as amended), the Clean Air Act (as amended), California Environmental Quality Act; Federal Coastal Zone Management Act of 1972; California Coastal Act of 1976; and other pertinent legislation related to the conservation and development of California coastal resources.

**PRIORITY ACTIVITIES LIST**

A list of priority projects, including any special activities to be treated as priorities, will be provided to the COMMISSION by CALTRANS and known as Attachment A.

## **PERFORMANCE MEASURES**

Specific performance measures will be agreed to by the Parties and used as a primary means of monitoring activities under this Letter of Intent. These measures are included as part of this Letter of Intent as Attachment B.

## **STANDARD BUSINESS PRACTICES**

Meetings: All formal requests for meetings will be submitted in writing or email to the Deputy Director California Coastal Commission. Requests must provide sufficient lead-time for scheduling and establishing travel authorizations. Such requests must include an agenda that clearly characterizes what is expected from Commission staff participation and the desired outcome of the meeting. Written materials attached to the request must contain sufficient information to enable Commission staff to prepare for, and actively participate in the meeting. The materials must include an assessment of the area of jurisdiction and anticipated impacts to coastal resources. Informal oral or telephone communication is also encouraged to share information regarding meetings.

Permitting: Applications and other permit related requests must be submitted to the appropriate Commission District Office, with a copy of the cover letter to the Commission Deputy Director. Such requests must clearly identify the stage of the permitting process and must include a complete application package with adequate project related information including any inconsistencies with coastal plans, anticipated impacts to coastal resources, and proposed mitigation. Other pertinent information as determined by the actual stage of the process must also be provided.

Wherever possible, these same practices shall be followed for all other requests for Commission participation under the terms of this Letter of Intent.

## **ROUTINE COORDINATION AND DISPUTE RESOLUTION**

The COMMISSION agrees to provide at minimum an annual report of progress made under this Letter of Intent to CALTRANS Environmental Program Manager at 1120 N Street, Mail Stop #27, Sacramento, CA 95814. Reports will describe achievements, including any improvements the COMMISSION has documented in coordinating and streamlining environmental reviews, and expenditures to date.

A working level group from the two agencies will meet on a quarterly or otherwise determined basis to review their commitments, raise issues and remedy outstanding concerns. Representatives from FHWA and other agencies may also be invited. This process must allow for the timely resolution of procedural or technical disputes. The process will start informally by raising issues at the working or project manager level, then elevating as necessary to supervising level to resolve, and finally to CALTRANS and the COMMISSION management on a formal basis if necessary.

Dispute resolution can be initiated on request of any signatory agency. Reasons may include:

1. Unresolved written disagreement,
2. Lack of response within agreed-upon time limits, and
3. Substantive departure from the Letter of Intent process.

The signatories or their designees agree to meet regularly to review progress under this Letter of Intent and to consider revisions to its provisions.

## **FINANCIAL ADMINISTRATION**

- A. An Interagency Agreement (contract) will be the funding mechanism for implementation of this Letter of Intent between CALTRANS and the COMMISSION.
- B. It is mutually understood between the parties to the Letter of Intent that funding is valid only if sufficient funds are made available to the State by the United States Government or the California State Legislature for the purpose of the program.

#### **PERIOD OF PERFORMANCE**

- A. The terms of this Letter of Intent shall run for a period of not less than 3 years from the effective date of approval by both parties, deemed to be the date of the last required signature on the signature page, unless terminated sooner.
- B. Either party may terminate this Letter of Intent upon sixty (60) days written notice addressed to the Project Officer listed below. The party requesting termination should show cause that there has been a failure on the part of the other to fulfill substantially its responsibilities under this Letter of Intent, and only after providing notice and sufficient opportunity for remedy.

#### **PROJECT OFFICERS**

- A. California Coastal Commission (Steve Scholl, Deputy Director 415-904-5260)
- B. California Department of Transportation (Gary Winters, acting Env. Program Manager 916-653-7466)

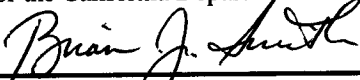
#### **REQUIRED CLAUSES**

During the performance of this Letter of Intent, the parties agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex or national origin. The participants will take affirmative action to insure that applicants are employed without regard to their race, color, religion, sex or national origin.

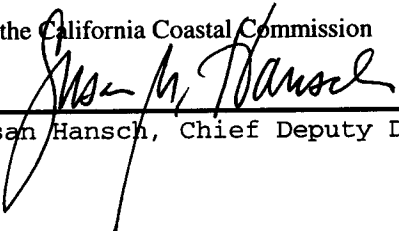
**EFFECTIVE DATE, TERMINATION OR MODIFICATION**

This Letter of Intent takes effect when signed by both officials below and continues in force until terminated by either party. Modifications may be made upon mutual agreement in writing of the signatories.

For the California Department of Transportation:

 8/4/2000  
\_\_\_\_\_  
Brian J. Smith, Acting Deputy Director, Planning (Date)

For the California Coastal Commission

 8/21/2000  
\_\_\_\_\_  
Susan Hansch, Chief Deputy Director (Date)

## **Attachment A**

<u>Project/Activity</u>	<u>CT Contact</u>	<u>Agency Involvement</u>	<u>Agency Contact</u>	<u>Target Date</u>
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**Attachment B**  
**Draft Performance Measures for Caltrans-funded Positions**  
**at the California Coastal Commission**

Reports: The Commission to report at least twice a year on the number and nature of activities related to Caltrans under this Letter of Intent. Reports to include, but not be limited to:

- Number and type of coordination activities carried out under this Letter of Intent
- Handling time for each activity and major milestones accomplished
- List of permit applications received, and processed including review and response times
- Number of permits heard by the Commission, number granted or denied
- List of permit appeals received, heard by the Commission and outcome of each appeal
- Number of Federal Consistency determinations made
- List of pre-programming and planning documents received including process and review times
- List of environmental documents received from Caltrans, including review and response times and number of coordination meetings.
- Number of invitations to participate in Project Development Teams, and actual attendance to events
- Number of invitation to field reviews, and actual attendance to trips
- List of emergency notifications received
- List of maintenance exemption projects
- Identification of issues that may or have delayed issuance of permits

Staff reports and recommendations: every effort should be made by Coastal Commission staff to provide Caltrans with a copy of any Caltrans-related staff report and recommendation at least ten (10) days prior to Commission hearing/consideration of a Caltrans item.

Inquiry Responses: every effort should be made by Caltrans-funded staff positions to return phone calls and inquiries to his/her designated contacts in Caltrans within 48 hours of the inquiry.

Quarterly meetings: quarterly meetings to discuss Caltrans-relevant activities and quarterly reports should be held between designated Caltrans personnel and Coastal Commission staff to discuss progress of activities.